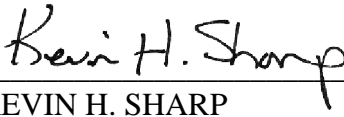


- (1) The R & R (Docket No. 39) is hereby ACCEPTED and APPROVED;
- (2) Defendant's Motion for Summary Judgment (Docket No. 30) is hereby GRANTED;
- (3) This action is hereby DISMISSED WITH PREJUDICE.

The Clerk of the Court shall enter Final Judgment in a separate document in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE